

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re DEALER MANAGEMENT SYSTEMS)	MDL No. 2817
ANTITRUST LITIGATION)	Case No. 18 C 864
)	
)	Assigned to: Hon. Amy J. St. Eve
This Document Relates To:)	Magistrate Judge: Hon. Jeffrey T. Gilbert
)	
ALL CASES.)	
)	
)	
)	

MAJORITY DEALER PLAINTIFFS' MOTION FOR APPOINTMENT OF
INTERIM CO-LEAD CLASS COUNSEL

Pursuant to this Court's Order (ECF No. 43), the undersigned, with the support of the majority of Dealership Class Actions filed,¹ move this Court for an Order appointing Robbins Geller Rudman & Dowd LLP ("Robbins Geller"), Cuneo Gilbert & LaDuca LLP ("Cuneo Gilbert"), and Kaplan Fox & Kilsheimer LLP ("Kaplan Fox") as Interim Co-Lead Class Counsel on behalf of the proposed class of automobile dealerships that purchased dealer management systems ("DMS") software from defendants CDK Global, LLC ("CDK") or The Reynolds and Reynolds Company ("Reynolds") (collectively, "Defendants"). In addition to the three Co-Leads, this proposal includes a two-firm Executive Committee comprised of Miller Law LLC ("Miller Law") and Clifford Law Offices, P.C. ("Clifford Law"), with Clifford Law also serving as Liaison Counsel.

Plaintiffs move this Court, in accordance with Rule 23(g) of the Federal Rules of Civil Procedure, for appointment of Interim Co-Lead Class Counsel and the proposed Executive Committee and Liaison Counsel. In support of this Motion, Robbins Geller, Cuneo Gilbert and Kaplan Fox submit a memorandum of law and true and correct copies of the following exhibits:

- Exhibit 1: Robbins Geller Rudman & Dowd LLP firm resume;
- Exhibit 2: Relevant excerpts of the Transcript of Proceedings for hearing held on March 12, 2018, before The Honorable Amy J. St. Eve;
- Exhibit 3: Letter from Brian Perdue to The Honorable Amy J. St. Eve, dated March 26, 2018;
- Exhibit 4: Letter from Terrence J. McLoughlin to The Honorable Amy J. St. Eve, dated March 21, 2018;

¹ Dealership Plaintiffs ("Plaintiffs") include Baystate Ford Inc., Hartley Buick GMC Truck, Inc., Cox Motors N.C. Inc. d/b/a Cox Toyota, Northtown Automotive Companies Inc., F.G. Downing Development, Inc. and John O'Neil Johnson Toyota, LLC. Another plaintiff, *Pensacola Motor Sales, Inc. d/b/a Bob Tyler Toyota, Inc. v. CDK Global, LLC*, No. 1:18CV01402 (N.D. Ill.), also supports this application. Proposed Interim Co-Lead Class Counsel, Robbins Geller, Kaplan Fox and Cuneo Gilbert have not promised any role to any firm other than those proposed as part of the leadership group, however, to the extent it is in the best interests of the Class and can be done efficiently, if appointed, Proposed Interim Co-Lead Class Counsel may consider assigning work to the firms listed as counsel in those cases. If any such work is assigned, contemporaneous time reports will be gathered and reviewed to ensure against duplicative or excessive billing.

- Exhibit 5: Letter from Vicki Mann to The Honorable Amy J. St. Eve, dated March 21, 2018;
- Exhibit 6: Letter from William Hartley to The Honorable Amy J. St. Eve, dated March 26, 2018;
- Exhibit 7: Cuneo Gilbert & LaDuca, LLP firm resume;
- Exhibit 8: Relevant excerpts of the Transcript of Proceedings for hearing held on April 5, 2013, before The Honorable P. Kevin Castel in *In re Bank of America Corp. Sec. Derivative, and Emp. Ret. Income Security Act (ERISA) Litig.*, No. 09-md-2058 (PKC) (S.D.N.Y.); relevant excerpts of the Transcript of Proceedings for hearing held on August 29, 2006, before The Honorable Alvin K. Hellerstein in *Cohen v. Escala Group, Inc.*, No. 06 Civ. 3518 (AKH) (S.D.N.Y.); *The American Lawyer*, Article regarding the *In re High Fructose Corn Syrup Antitrust Litig.*, MDL No. 1087, No. 95-1477 (C.D. Ill.) and Attorneys Robert Kaplan and Gregory Arenson (Aug. 2004); relevant excerpts of the Transcript of Proceedings for hearing held on September 3, 2004, before The Honorable Michael M. Mihm in *In re High Fructose Corn Syrup Antitrust Litig.*, MDL No. 1087, No. 95-1477 (C.D. Ill.); and relevant excerpts of the Transcript of Proceedings for hearing held on October 4, 2004, before The Honorable Michael M. Mihm in *In re High Fructose Corn Syrup Antitrust Litig.*, MDL No. 1087, No. 95-1477 (C.D. Ill.);
- Exhibit 9: Relevant excerpts of the Transcript of Proceedings for hearing held on August 31, 2015, before The Honorable John Gleeson in *In re Air Cargo Shipping Servs. Antitrust Litig.*, No. 06-md-1775 (JG) (E.D.N.Y.);
- Exhibit 10: Relevant excerpts of the Transcript of Proceedings for hearing held on June 21, 2001, before The Honorable Michael M. Mihm in *In re High Fructose Corn Syrup Antitrust Litig.*, MDL No. 1087, No. 95-1477 (C.D. Ill.);
- Exhibit 11: Relevant excerpts of the Transcript of Proceedings for hearing held on May 18, 2004, before The Honorable Michael M. Mihm in *In re High Fructose Corn Syrup Antitrust Litig.*, MDL No. 187, No. 95-1477 (C.D. Ill.);
- Exhibit 12: Kaplan Fox & Kilsheimer LLP firm resume;
- Exhibit 13: Miller Law LLC firm resume;
- Exhibit 14: *In re Polyurethane Foam Antitrust Litig.*, MDL No. 2196, No. 10-MD-2196 (JZ), Order Certifying Class Action and Appointing Class Counsel (N.D. Ohio Apr. 16, 2014);
- Exhibit 15: Clifford Law Offices, P.C. firm resume;
- Exhibit 16: Contact Information of Judges Presiding Over Cases Cited in Letter for Appointment of Robert A. Clifford; and

Exhibit 17: *The National Law Journal*, Litigation Boutique Hot List (Feb 11, 2013).

Wherefore, the undersigned request that this Court appoint the proposed Interim Co-Lead Class Counsel, Executive Committee and Liaison Counsel.

DATED: March 26, 2018

Respectfully submitted,

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Proposed Executive Committee and Liaison
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In accordance with the United States District Court for the Northern District of Illinois, General Order 16-0020 §IX(C)(2), all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

s/ James E. Barz

JAMES E. BARZ

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 26, 2018.

s/ James E. Barz

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Mailing Information for a Case 1:18-cv-00864 In Re: Dealer Management Systems Antitrust Litigation**Electronic Mail Notice List**

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